

Brooks, Becky

From: Stanislaus, Mathy
Sent: Friday, May 23, 2014 2:20 PM
To: Elizabeth O'Neal
Cc: Bill Erny; jamie@conradcounsel.com; Jennifer Gibson; Bill Allmond; Natarajan, Nitin; Brooks, Becky; Breen, Barry
Subject: RE: Leveraging Industry Stewardship Programs
Categories: EZ Record - Shared, Record Saved - Shared

Elizabeth: Thanks – I appreciate your quick response. We will get you dates shortly. Have a great weekend.

From: Elizabeth O'Neal [mailto:oneale@socma.com]
Sent: Friday, May 23, 2014 12:45 PM
To: Stanislaus, Mathy
Cc: Bill Erny; jamie@conradcounsel.com; Jennifer Gibson; Bill Allmond; Natarajan, Nitin; Brooks, Becky; Breen, Barry
Subject: Leveraging Industry Stewardship Programs

Dear Assistant Administrator Stanislaus,

Thank you for your interest in working together on possibly leveraging the strength of our industry programs for our shared goals of chemical facility safety and security. Your responsiveness to our request for your ideas in writing is helpful for us as we try to facilitate these discussions within our respective trade associations – thank you! There are several good ideas here that may be workable, in fact, may be quite manageable, for us to partner together on, and though we have strong reservations about some aspects of these ideas, we definitely agree that it would be valuable to continue this conversation. If we could plan for a broader conversation together, and consider a path forward for how we could choose to include our respective memberships going forward, that would be helpful for all three of our organizations. The American Chemistry Council is willing to host an initial meeting to discuss this outreach idea, and SOCMA and NACD will join. Would you recommend some potential dates for this?

We are all in agreement that we'd like to continue this conversation, and in particular are interested in discussing what might be envisioned with regards to implementing some of these ideas with an EPCRA Revitalization Steering Committee, which our industry supports. Attached is our working concept paper.

These have been long months for you and your team, and all of the tri-chairs. Thank you for what you are doing to work with our industry, and for the continual effort you put forth in outreach to industry stakeholders. We look forward to your reply.

Best regards,
Elizabeth

C. Elizabeth O'Neal, MPA
Government Relations
Chemical Safety and Security Policy
Society of Chemical Manufacturers and Affiliates
1850 M Street NW, Ste. 700
Washington, DC 20036
(202) 721-4198

@elizabeth_oneal
www.linkedin.com/in/ceopublicaffairs/
www.SpecialtyManufacturing.org
www.socma.com/governmentrelations

From: Stanislaus, Mathy [<mailto:Stanislaus.Mathy@epa.gov>]

Sent: Thursday, May 22, 2014 10:27 AM

To: Elizabeth O'Neal

Cc: Bill Erny; jamie@conradcounsel.com; Jennifer Gibson; Bill Allmond; Natarajan, Nitin; Brooks, Becky; Breen, Barry

Subject: Re: Leveraging Industry Stewardship Programs for Common Goals of Chemical Facility Safety and Security

Elizabeth:

This is to followup on our last conversation and your e-mail and paper.

EPA agrees with the value and importance of chemical industry programs to improve and advance chemical safety. Given the number of chemical facilities nationwide and limited government resources, leveraging the initiatives of leading industry associations is an important component of advancing a consistent approach to chemical safety. We think the industry associations' role in sharing of best practices among participating companies, mentoring and company-to-company mutual assistance, dedicated workshops and conferences, and public recognition of best practices all have tremendous value.

Consistent with the paper and our conversation, to further these efforts and increase consistency in chemical safety programs aimed at industry, we propose a collaboration in the following areas:

Work with industry associations to broadly disseminate implementation guidance and other tools developed by industry association related to improving chemical safety.

Work with industry associations to reaffirm and clarify the roles and responsibilities of facilities under EPCRA, specifically in participating in the local emergency planning process, providing technical assistance in identifying and understanding chemical risks, and providing information to the local community.

Work with industry associations to facilitate discussion on key safety issues identified by individual companies and process safety professionals, identify actions to implement and advance safety in these areas, and gather input on modernizing our program using regulations, guidance, and advisories/alerts. Potential key issues include:

- Reporting, tracking and investigating near misses and upsets; safety performance measurement;

- Managing change practices and systems employed in the chemical industry;

- Building safety culture into the process industries;

- Strategies used by chemical facilities with local officials to address buffer zones and facility siting concerns and;

- Work to advance a clearinghouse of lessons learned/best practices;

Exploring opportunities to utilize third party audits of management systems for regulatory purposes. This would include examination of scope, conduct and structure of audits (e.g., independence, accreditation, ratings, disclosure), and its relationship to regulatory requirements.

Please let me know your interest in setting up a process to advance this.

Thanks again,

Mathy Stanislaus
USEPA

From: Elizabeth O'Neal <oneale@socma.com>

Sent: Thursday, May 15, 2014 3:42:24 PM

To: Stanislaus, Mathy; Stanton, Larry; Brooks, Becky; Natarajan, Nitin; Matthiessen, Craig

Cc: Bill Erny; Jamie Conrad; Jennifer Gibson; Bill Allmond

Subject: Leveraging Industry Stewardship Programs for Common Goals of Chemical Facility Safety and Security

Dear Assistant Administrator Stanislaus,

Thank you for taking the time to visit with us on the call today. This is the document we referenced on leveraging our industry stewardship programs to meet the common goals we share in improving chemical facility safety and security. We do share the concerns of the agency in reaching outliers that may not be in compliance with current regulations. SOCMA is hopeful that we could work together on some of the ideas we've posed here with NACD and ACC, and we look forward to your response on this document, as was discussed in our call this afternoon.

Thank you for your understanding on our timing needs – we each have multiple internal parties with whom we'd need to share your framework, when we receive it. I think we all wish that part could go faster!

We are understandably hesitant to support a focus on adding additional burdens on compliant facilities across the country.

We look forward to finding solutions together, particularly around compliance assistance with current regulations, and for working together to reach those who need more outreach and education.

Most importantly, thank you for the opportunity to discuss these ideas with you.

Best regards,

Elizabeth O'Neal

C. Elizabeth O'Neal, MPA

Government Relations

Chemical Safety and Security Policy

Society of Chemical Manufacturers and Affiliates

1850 M Street NW, Ste. 700

Washington, DC 20036

(202) 721-4198

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www.socma.com/governmentrelations

Brooks, Becky

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Thanks again,

Mathy Stanislaus
USEPA
Assistant Administrator

From: Elizabeth O'Neal <oneale@socma.com>
Sent: Thursday, May 15, 2014 3:42:24 PM
To: Stanislaus, Mathy; Stanton, Larry; Brooks, Becky; Natarajan, Nitin; Matthiessen, Craig
Cc: Bill Erny; Jamie Conrad; Jennifer Gibson; Bill Allmond
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Most importantly, thank you for the opportunity to discuss these ideas with you.

Best regards,

Elizabeth O'Neal

C. Elizabeth O'Neal, MPA

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Brooks, Becky

From: Stanislaus, Mathy
Sent: Monday, May 12, 2014 5:28 PM
To: jamie@conradcounsel.com
Cc: Natarajan, Nitin; Breen, Barry; Brooks, Becky
Subject: Re: Followup

Categories: EZ Record - Shared, Record Saved - Shared

OK - Becky can you schedule a call with the three groups ASAP.

From: Jamie Conrad <jamie@conradcounsel.com>
Sent: Monday, May 12, 2014 9:35:29 AM
To: Stanislaus, Mathy
Cc: Natarajan, Nitin; Breen, Barry; Brooks, Becky
Subject: Re: Followup

Thanks so much for getting in touch with me about this idea.

I think the most promising approach for getting this idea off the ground would be to have a meeting, or at least a call, with representatives of the three trade associations whose performance improvement programs include an auditing component: ACC, NACD and SOCMA. If they were on board, it might fly. If they weren't, I think it probably won't. I could forward your note to them and see when might be a good time to meet or talk.

-- Jamie

James W. Conrad, Jr.
Conrad Law & Policy Counsel
805 15th St., NW, Suite 501
Washington, DC 20005-2242
202-822-1970
202-822-1971 (fax)
[REDACTED] (cell)
jamie@conradcounsel.com
www.conradcounsel.com

Note: Emails that I forward sometimes show up as attachments, esp. if recipients are using Outlook.

Brooks, Becky

From: Stanislaus, Mathy
Sent: Monday, May 12, 2014 8:41 AM
To: jamie@conradcounsel.com
Cc: Natarajan, Nitin; Breen, Barry; Brooks, Becky
Subject: Followup

Categories: EZ Record - Shared, Record Saved - Shared

Jamie:

This is to followup our meeting and your e-mail. EPA is committed to work trade associations to improve compliance, and I'd appreciate your input.

As part of the efforts to work with the industry trade associations regarding the implementation and enhancements of the industry codes/practices, as well as compliance with regulatory requirements, EPA could consider helping to establish a system for independent auditing. While many if not all of the industry safety codes have an audit requirement, we've seen evidence that having the auditing structured to ensure independence is beneficial to the company, to government and the public. Independent audits increase the rigor and objectivity of audits, as well as the public confidence in the results.

Essentially, the concept would be a commitment to work to establish and clarify key components of an independent auditing structure, summarizing findings, a clearinghouse of lessons learned/best practices, potential grading of audits (e.g., A through D), and disclosure of summary performance elements (e.g., short summary being part of every audit that does not contain confidential or security sensitive information, but does inform about the key aspects – maybe a grade for training, facilities, emergency response etc.). Clearly they would need to be substantial discussions regarding these elements.

We could consider including a commitment work with industry on these elements in the Report to the President and a timeline to establish such. Do you have thoughts about this? Your input over the next few days would be great. If you would like to have a discussion, please let me know.

Mathy Stanislaus
Assistant Administrator
Office of Solid Waste & Emergency Response

Brooks, Becky

From: Stanislaus, Mathy
Sent: Friday, April 25, 2014 1:55 PM
To: Jamie Conrad
Subject: Re: Followup to our meeting

Categories: EZ Record - Shared, Record Saved - Shared

I have a related idea that I'd like to bounce off of you - are you available now?

From: Jamie Conrad <jamie@conradcounsel.com>
Sent: Friday, April 25, 2014 1:47:52 PM
To: Stanislaus, Mathy
Cc: oneale@socma.com; JGunnulfsen@afpm.org; MEggers@USChamber.com; Michael Kennedy; Michael@aradc.org; tforbes@NACD.com; Stanton, Larry; Natarajan, Nitin; Jennifer Gibson; Bergman, Shawna; Fine, Ellyn; Brooks, Becky; Fitzwater, Larry D.; Shook, Rollie; Bill Erny
Subject: Re: Followup to our meeting

Herding the cats, but we will have it to you next week. Thanks for looking to us.

-- Jamie

James W. Conrad, Jr.
Conrad Law & Policy Counsel
805 15th St., NW, Suite 501
Washington, DC 20005-2242
202-822-1970
202-822-1971 (fax)
[REDACTED] (cell)
jamie@conradcounsel.com
www.conradcounsel.com

Note: Emails that I forward sometimes show up as attachments, esp. if recipients are using Outlook.

Brooks, Becky

From: Stanislaus, Mathy
Sent: Thursday, April 24, 2014 4:12 PM
To: jamie@conradcounsel.com
Cc: oneale@socma.com; JGunnulfsen@afpm.org; MEggers@USChamber.com; mkennedylaw@gmail.com; Michael@aradc.org; tforbes@NACD.com; Stanton, Larry; Natarajan, Nitin; Bergman, Shawna; Fine, Ellyn; Brooks, Becky
Subject: Followup to our meeting
Categories: EZ Record - Shared, Record Saved - Shared

Jamie: I'm following up on our last meeting. We had discussed establishing a national body of industry, state/local and federal agency representatives to advance a coordinated approach to assist SERCs and LEPCs. I believe you were taking the lead on getting us a draft of paper. When do you expect to get that to us? I attended a meeting today of state and local EPCRA officials (NASTTPO) who expressed strong interest in the idea.

Brooks, Becky

From: Stanislaus, Mathy
Sent: Wednesday, March 05, 2014 11:59 AM
To: Jeff Gunnulfsen
Cc: Keck, Becky (Contractor); Brooks, Becky
Subject: Re: Meet on LEPC issue

Categories: EZ Record - Shared, Record Saved - Shared

Jeff: Sounds great. I've copied Becky Brooks to work with you. I also want to talk about options for recognizing your programs/practices, and whether some shorter term collaboration activities on coordinated outreach is viable.

See you tomorrow

From: Jeff Gunnulfsen <JGunnulfsen@afpm.org>
Sent: Wednesday, March 5, 2014 11:17:23 AM
To: Stanislaus, Mathy
Cc: Keck, Becky (Contractor)
Subject: Meet on LEPC issue

Matti—
Our group thought we had a great meeting last week and we thought we should try to get on your calendar again sooner rather than later to flesh out the LEPC revitalization steering committee idea. How is your schedule the next couple of weeks? Good luck at the hearing and I'll see you at the AFPM Environment Committee meeting. Thanks!

Jeff Gunnulfsen
Director
Security and Risk Management Issues

**American
Fuel & Petrochemical
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Brooks, Becky

From: Stanislaus, Mathy
Sent: Friday, February 07, 2014 9:03 AM
To: Fleischacker, Steve
Subject: Re: EO 13650 February Listening Session Announcement

Categories: EZ Record - Shared, Record Saved - Shared

Any luck on organizing a meeting?

From: Fleischacker, Steve <Steve.Fleischacker@AIG.com>
Sent: Tuesday, February 04, 2014 5:50:40 PM
To: Stanislaus, Mathy
Subject: EO 13650 February Listening Session Announcement

Mathy,

Thanks for the information.

It was great talking to you today. I'll be in touch.

Steve

Stephen J. Fleischacker, P.E.
AIG
Environmental Specialty Claims Consultants
Specialty Lines | AIG Property Casualty

101 Hudson Street, 31st Floor, Jersey City, NJ 07302

Tel +1 201 631 7071 | Cell - [REDACTED] | Fax +1 201 631 5053

steve.fleischacker@aig.com | www.aig.com

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From: Stanislaus, Mathy [mailto:Stanislaus.Mathy@epa.gov]
Sent: Tuesday, February 04, 2014 5:42 PM
To: Fleischacker, Steve
Subject: FW: EO 13650 February Listening Session Announcement

From: EO.Chemical [mailto:eo.chemical@hq.dhs.gov]
Sent: Tuesday, February 04, 2014 3:47 PM
Subject: EO 13650 February Listening Session Announcement

EO 13650 *Improving Chemical Facility Safety and Security*

February 2014 Public Listening Session Schedule and Registration Information

Please join us for the final *Improving Chemical Facility Safety and Security* (Executive Order 13650 (EO)) public listening session opportunities in February 2014. Evening hours have been scheduled for both locations. Updates to the February public listening session schedule will be available on the Website:

<https://www.osha.gov/chemicalexecutiveorder/index.html> and shared via e-mail. If you would like to receive e-mails from the EO Working Group please send the request to EO.Chemical@hq.dhs.gov.

Rescheduled from 2/5/2014

February 13, 2014 Listening Session (In-Person and Teleconference) – New Jersey (Afternoon & Evening)*

Time: 12:00 p.m. – 1:00 p.m. Registration

1:00 p.m. – 8:00 p.m. Session

Location: New Jersey Transportation Planning Authority (NJTPA) Conference Room

One Newark Center, Newark, NJ 07102

In-Person Registration Link: <http://www.govevents.com/word-redir.php?id=12098>

Teleconference Registration Link: <http://www.govevents.com/word-redir.php?id=12099>

* Please note: Registrations from the February 5th session were not automatically rolled over. We request that anyone interested in attending the February 13th session register by clicking on the appropriate link above.

NEW

February 19, 2014 Listening Session (In-Person and Teleconference) – Louisiana (Afternoon & Evening)

Time: 12:00 p.m. – 1:00 p.m. Registration

1:00 p.m. – 8:00 p.m. Session

Location: Louisiana State Police Training Academy

7901 Independence Blvd., Baton Rouge, LA 70806

In-Person Registration Link: <http://www.govevents.com/word-redir.php?id=12100>

Teleconference Registration Link: <http://www.govevents.com/word-redir.php?id=12101>

During the public listening sessions, the Working Group will share an overview of the various sections of the EO and the progress made to date on each. In particular, we are interested in hearing from the stakeholders described in the EO: chemical producers, chemical storage companies, agricultural supply companies, State and local regulators, chemical critical infrastructure owners and operators, first responders, labor organizations representing affected workers, environmental and community groups, and consensus standards organizations. Attendees will have opportunities to provide input on areas in the EO, including: improving operational coordination with State, Tribal, territorial, and local partners; enhanced information collection and sharing; modernizing regulations, guidance, and policies; and identifying best practices in chemical facility safety and security.

Registration: Registration is required to attend each session. Due to limited seating for the in-person event, early registration is encouraged. There is no fee to register. In-person event day-of registration will be permitted on a space-available basis. If you are interested in presenting, please make the request during the registration process by indicating what time period you are available to speak. Registration for those wishing to make comments will be on a first-come basis, provided a cross-section of stakeholders is represented by the speakers. The Working Group

requests your comments be a maximum of five minutes. We will do our best to accommodate all persons who wish to make a presentation.

All interested persons may submit comments to NPPD/ISCD/Mail stop 0610, Department of Homeland Security, 245 Murray Lane, SW, Arlington, VA 20598-0610. Comments will also be accepted by email at eo.chemical@hq.dhs.gov or through the [Federal eRulemaking Portal](#).

For those who do not want to register through the GovEvents site, please contact eo.chemical@hq.dhs.gov.

Individuals with disabilities wishing to attend the meeting should contact Mary Blackmoor at mary.blackmoor@hq.dhs.gov not later than 5 days prior to the session you would like to attend.

For more information on EO 13650, please visit <https://www.osha.gov/chemicalexecutiveorder/index.html> and <https://www.dhs.gov/topic/chemical-security>.

Hosted by the Department of Homeland Security (DHS), the Environmental Protection Agency (EPA), and the Department of Labor (DoL)

Privacy Act Statement:

Authority: 5 U.S. C. § 301 and 44 U.S.C. § 3101 authorize the collection of this information.

Purpose: DHS will use this information to register participants for the Improving Chemical Facility Safety and Security Listening Sessions.

Routine Use: This information may be disclosed as generally permitted under 5 U.S.C. §552a(b) of the Privacy Act of 1974, as amended. This includes using the information, as necessary and authorized by the routine uses published in [DHS/ALL-002 - Department of Homeland Security \(DHS\) Mailing and Other Lists System of Records](#) (November 25, 2008, 73 FR 71659).

Disclosure: Furnishing this information is voluntary; however failure to provide any of the information requested may prevent DHS from registering you for the Listening Session or contacting you regarding the event.

Brooks, Becky

From: Stanislaus, Mathy
Sent: Tuesday, February 04, 2014 5:42 PM
To: steve.fleischacker@aig.com
Subject: FW: EO 13650 February Listening Session Announcement

Categories: EZ Record - Shared, Record Saved - Shared

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Sent: Tuesday, February 04, 2014 3:47 PM
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Brooks, Becky

From: Stanislaus, Mathy
Sent: Tuesday, February 04, 2014 4:38 PM
To: howard_tollin@aon.com
Subject: scheduling a quick conversation

Categories: EZ Record - Shared, Record Saved - Shared

Howard:

I'd like to have quick conversation. I'd like to connect with folks there that insure chemical plants.

Mathy Stanislaus
USEPA Assistant Administrator
Office of Solid Waste & Emergency Response

Brooks, Becky

From: Stanislaus, Mathy
Sent: Tuesday, February 04, 2014 3:51 PM
To: howard.tollin@aon.com
Subject: Are you available for a call?

Categories: EZ Record - Shared, Record Saved - Shared

I'd like to talk to someone in your company that is involved in insurance coverage for chemical plants?

Mathy Stanislaus
USEPA Assistant Administrator
Office of Solid Waste & Emergency Response

Brooks, Becky

From: Stanislaus, Mathy
Sent: Tuesday, January 07, 2014 10:39 AM
To: Jeff Gunnulfsen
Subject: Re: Executive Order 13650, Section 6(a) – Solicitation of Public Input on Options for Policy, Regulation, and Standards Modernization

Categories: EZ Record - Shared, Record Saved - Shared

Great

From: Jeff Gunnulfsen <JGunnulfsen@afpm.org>
Sent: Tuesday, January 07, 2014 10:02:32 AM
To: Stanislaus, Mathy
Subject: RE: Executive Order 13650, Section 6(a) – Solicitation of Public Input on Options for Policy, Regulation, and Standards Modernization

Yes definitely—we should look to meet in February some time

Jeff Gunnulfsen
Director
Security and Risk Management Issues

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From: Stanislaus, Mathy [<mailto:Stanislaus.Mathy@epa.gov>]
Sent: Monday, January 06, 2014 6:02 PM
To: Jeff Gunnulfsen
Subject: RE: Executive Order 13650, Section 6(a) – Solicitation of Public Input on Options for Policy, Regulation, and Standards Modernization

While we leaving it open for about 90 days, I'd like to engage you and your group earlier in the process. Would it be possible to get feedback – even initial feedback – in 30 to 45 days? I'd like to have one or more followup meetings to discuss options.

From: Jeff Gunnulfsen [<mailto:JGunnulfsen@afpm.org>]
Sent: Monday, January 06, 2014 11:10 AM
To: Stanislaus, Mathy
Subject: RE: Executive Order 13650, Section 6(a) – Solicitation of Public Input on Options for Policy, Regulation, and Standards Modernization

Yes no problem—when are comments due?

Jeff Gunnulfsen
Director
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From: Bergman, Shawna [<mailto:Bergman.Shawna@epa.gov>] **On Behalf Of** Stanislaus, Mathy
Sent: Monday, January 06, 2014 10:43 AM
To: Jeff Gunnulfsen
Subject: Executive Order 13650, Section 6(a) – Solicitation of Public Input on Options for Policy, Regulation, and Standards Modernization

Jeff, can you please share this with the group? Thank you.

Good morning and Happy New Year. When we met in December, I mentioned that the Section 6(a) preliminary list of options for improving chemical facility safety and security would be available for review soon. We were able to post it and issue it on Friday evening. The document is attached and available at http://www.epa.gov/oem/eo_improving_chem_fac.htm#eopu. The purpose of this document is to provide preliminary options as a starting point for additional stakeholder discussion. The stakeholder discussion and comment period that follows the release of these preliminary options is a critical step in our effort to evaluate the practicality and effectiveness of options to inform a plan for implementing improvements to chemical risk management. This document is a tool for prompting additional thought and obtaining additional information necessary to further evaluate, refine, and supplement these initial options, and we anticipate that the options may change significantly in the coming months. Moreover, this effort does not supersede official or standard processes for agency actions, such as notice and comment rulemaking.

A public docket (OSHA-2013-0026) has been opened for Section 6 of the Executive Order, and we invite the public to submit comments. Appendix B of this report contains instructions for submitting comments to this docket. Additional information on Section 6 of the Executive Order is available at: <http://www.osha.gov/chemicalexecutiveorder/index.html>

Section 6(a) of the Executive Order tasks the working group with considering options intended to improve and modernize key policies, regulations, and standards to enhance the safety and security of chemical facilities.

Mathy Stanislaus
USEPA Assistant Administrator
Office of Solid Waste & Emergency Response